

HELTZEL WILLIAMS PC
P.O. BOX 1048 ■ SALEM, OREGON 97308-1048
TELEPHONE (503) 585-4422 ■ FACSIMILE (503) 370-4302

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON, EUGENE DIVISION:**

Defendants, an indefinite number of John Doe police officers employed by the City of Albany (the “Albany officers”), an indefinite number of John Doe police officers employed by Linn County (the “County officers”), the City of Albany (“Albany”) and Linn County, (together, “Defendants”) respectfully petition for removal of this action to the United States District Court for the District of Oregon, Eugene Division. In support of their petition, Defendants allege as follows:

1. On or about June 20, 2017, plaintiff Hannah Langager filed a complaint against defendants in the Circuit Court of the State of Oregon for the County of Linn titled *Hannah Langager v. Unknown law enforcement officers of the City of Albany, a municipality of the State of Oregon, Unknown law enforcement officers of the Linn County Sheriff's Office; the City of Albany, Oregon, a municipality of the State of Oregon, Linn County, Oregon, a county of the State of Oregon; the State of Oregon*, under Case No. 17CV25697. Service of summons has not been accomplished. Copies of the original Complaint and all other pleadings on file with the Linn County Circuit Court are attached to this petition collectively as Exhibit “A.”
2. The undersigned counsel represents all defendants except the State of Oregon.
3. While the undersigned counsel does not represent co-defendant State of Oregon, he has conferred with Oregon Assistant Attorney General Craig M. Johnson, who does represent the State. On July 5, 2017 Mr. Johnson informed the undersigned that the State of Oregon consents to removal,

2 – NOTICE OF REMOVAL OF ACTION

\\HEL-ES\Worldox\clients\CI16661\007\00264915.DOCX

HELTZEL WILLIAMS PC
P.O. BOX 1048 ■ SALEM, OREGON 97308-1048
TELEPHONE (503) 585-4422 ■ FACSIMILE (503) 370-4302

satisfying the “rule of unanimity” among co-defendants. *Proctor v. Vishay Intertechnology Inc.*, 584 F.3d 1208, 1225 (9th Cir. 2009).

4. The Complaint attempts to state a claim for relief under 42 U.S.C. § 1983 based on an alleged constitutional violation by Albany officers.
5. Accordingly, this case is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. § 1331, because, at least on its face, it states a claim under 42 U.S.C. § 1983 and is one that can be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441 and § 1443. Although defendants deny that they are liable to plaintiffs, plaintiffs have alleged claims under the laws of the United States. Removal of this action is not based on diversity of citizenship, therefore 28 U.S.C. § 1332 does not apply.
6. Thirty days have not passed since the receipt by defendants of this pleading. Accordingly, 28 U.S.C. § 1446(b) is satisfied.
7. According to the Linn County Circuit Court docket, plaintiff’s counsel is located in Corvallis, Oregon. Furthermore, the Complaint alleges that the acts or omissions giving rise to the complaint took place in Linn County, Oregon.

WHEREFORE, defendants respectfully request that this action now pending against them in the Circuit Court in the State of Oregon for the County of Linn be removed from that Court and be litigated in the United States District Court for the District of Oregon, Eugene Division.

Dated this 12th day of July, 2017.

HELTZEL WILLIAMS PC

s/Andrew D. Campbell

Andrew D. Campbell, OSB 022647

PO Box 1048

Salem, OR 97308

Telephone: (503) 585-4422

Fax: (503) 378-4302

andrew@heltzel.com

Attorney for:

Albany Officers

County Officers

City of Albany

Linn County

4 – NOTICE OF REMOVAL OF ACTION

\\HEL-ES\Worldox\clients\CI16661\007\00264915.DOCX

HELTZEL WILLIAMS PC

P.O. BOX 1048 ■ SALEM, OREGON 97308-1048

TELEPHONE (503) 585-4422 ■ FACSIMILE (503) 370-4302

6/20/2017 12:05:47 PM

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

6	Hannah Langager,	)	Case # 17CV25697
7	Plaintiff,	)	COMPLAINT FOR MONEY DAMAGES
8	vs.	)	UNCONSTITUTIONAL SEARCH AND
9	Unknown law enforcement officers of	)	UNLAWFUL SEIZURE OF PERSONAL
10	the Albany Police Department, an	)	PROPERTY
11	agency of the City of Albany, a	)	ACTION FOR DEPRIVATION OF RIGHTS
12	municipality of the State of Oregon;	)	PRIVILEGES OR IMMUNITIES SECURED BY
13	unknown law enforcement officers of	)	THE CONSTITUTION AND LAWS OF THE
14	the Linn County Sheriff's Office, an	)	UNITED STATES OF AMERICA (42 U.S.C.
15	agency of Linn County, an Oregon	)	§ 1983)
16	County; City of Albany, a municipality	)	Amount in Controversy (\$999,999.99)
17	of the State of Oregon, Linn County, an	)	Not Subject to Mandatory Arbitration
18	Oregon county; the State of Oregon,	)	Filing Fee \$531.00 - ORS 21.160(1)(c)
19	Defendants.	)	Jury Trial Requested

Comes now, Hannah Langager ("Plaintiff"), by and through her attorney,
Jeffrey D. Goodwin, and, for her complaint, alleges:

1.

Plaintiff owns a motor vehicle. ("Plaintiff's vehicle").

2.

On or about May 18, 2017 in the vicinity of 2272 Santiam Hwy SE, Albany, OR
97322, officers of the Albany Police Department, City of Albany, a municipality of the

Prepared and submitted by:
Jeffrey D. Goodwin, OSB# 123269
Of attorneys and trial attorney for Plaintiff
Heart of the Valley Law
120 SW 4TH St., Ste. 120
Tel: 541-257-8585 Fax: 541-359-3073
jdg@heartofthevalleylaw.com

Page 1 of 5 - Complaint for Money Damages

Exhibit A

Page 1 of 6

1 State of Oregon ("APD" and/or officers of the Linn County Sheriff's Office, for the
2 County of Linn, in the State of Oregon ("LCSO"), forcibly entered, searched and
3 ultimately seized Plaintiff's Vehicle (together "the officers").

4 3.

5 The officers had no lawful authority to force entry to Plaintiff's vehicle, no
6 lawful authority to search Plaintiff's vehicle, and no lawful authority to seize
7 Plaintiff's vehicle.

8 4.

9 No warrant was issued related to Plaintiff's vehicle. The officers entry, search
10 and seizure constituted an invasion of privacy and a trespass to chattels to Plaintiff's
11 injury.

12 5.

13 The officers conduct was unlawful under Article I, Section 9. of the Oregon
14 Constitution which provides: "Section 9. Unreasonable searches or seizures. No law
15 shall violate the right of the people to be secure in their persons, houses, papers, and
16 effects, against unreasonable search, or seizure; and no warrant shall issue but upon
17 probable cause, supported by oath, or affirmation, and particularly describing the
18 place to be searched, and the person or thing to be seized." The officers conduct
19 further violated ORS 133.525 to ORS 133.615.

20 6.

21 The officers conduct violated the Fourth Amendment to the Constitution of the
22 United States of America which provides: "The right of the people to be secure in
23 their persons, houses, papers, and effects, against unreasonable searches and
24 seizures, shall not be violated, and no Warrants shall issue, but upon probable cause,

25 Prepared and submitted by:
26 Jeffrey D. Goodwin, OSB# 123269
27 Of attorneys and trial attorney for Plaintiff
Heart of the Valley Law
120 SW 4TH St., Ste. 120
28 Tel: 541-257-8585 Fax: 541-359-3073
jdg@heartofthevalleylaw.com

Page 2 of 5 - Complaint for Money Damages

Exhibit A

Page 2 of 6

1 supported by Oath or affirmation, and particularly describing the place to be
2 searched, and the persons or things to be seized.

3 7.

4 Because the officers conduct violated the Fourth Amendment to the
5 Constitution of the United States of America and also violated the constitution and
6 laws of the State of Oregon, it gives rise to a claim for damages suffered by Plaintiff
7 under 42 U.S.C. § 1983 which provides in part: "Every person who, under color of any
8 statute, ordinance, regulation, custom, or usage, of any State or Territory or the
9 District of Columbia, subjects, or causes to be subjected, any citizen of the United
10 States or other person within the jurisdiction thereof to the deprivation of any rights,
11 privileges, or immunities secured by the Constitution and laws, shall be liable to the
12 party injured in an action at law, suit in equity, or other proper proceeding for
13 redress..."

14 8.

15 Because the officers committed a tort acting within the scope of their
16 employment or duties they are liable to Plaintiff under ORS 30.265 which provides in
17 part: "Subject to the limitations of ORS 30.260 (Definitions for ORS 30.260 to 30.300)
18 to 30.300 (ORS 30.260 to 30.300 exclusive), every public body is subject to civil action
19 for its torts and those of its officers, employees and agents acting within the scope of
20 their employment or duties, whether arising out of a governmental or proprietary
21 function..."

22 9.

23 Because of the officers unlawful conduct Plaintiff suffered loss of use of
24 Plaintiff's vehicle, expense for the return of Plaintiff's vehicle, loss of peace of mind,

25 Prepared and submitted by:
26 Jeffrey D. Goodwin, OSB# 123269
27 Of attorneys and trial attorney for Plaintiff
28 Heart of the Valley Law
120 SW 4TH St., Ste. 120
Tel: 541-257-8585 Fax: 541-359-3073
jdg@heartofthevalleylaw.com

Page 3 of 5 - Complaint for Money Damages

Exhibit A
Page 3 of 6

1 a sense of safety, and general emotional distress, as well as significant inconvenience.
2 Plaintiff alleges that those injuries damaged her in the amount of at least
3 \$999,999.99, or such other amount as to be proven at trial.

4 10.

5 Linn County Oregon is the proper venue and the Linn County Circuit Court has
6 jurisdiction over this matter, but because this matter involves Linn County, Oregon
7 and officers and officials who constantly interact with the Linn County Circuit Court
8 and its judges and staff, Plaintiff cannot receive a fair trial in Linn County, Oregon
9 and requests a different venue.

10 11.

11 Plaintiff requests that all findings of fact herein be made by jury trial.

12 12.

13 Under 42 USC § 1988 the Court can award the Plaintiff her reasonable attorney
14 fees if she prevails in this action; further Plaintiff requests that all findings of fact
15 herein be made by jury trial.

16 13.

17 Under ORS 20.105 the Court can award Plaintiff her reasonable attorney fees if
18 the Court finds that Defendants asserted any claim or defense in this matter without
19 objectively reasonable basis.

20 14.

21 NOW THEREFORE, Plaintiff prays the Court grant general judgment and money
22 award in Plaintiff's favor and against Defendants, jointly and severally as follows:

23 (a) Awarding Plaintiff \$999,999.99 in aggregate for actual economic
24 damages, non-economic damages, and punitive damages on Plaintiff's claim;

25 Prepared and submitted by:
26 Jeffrey D. Goodwin, OSB# 123269
27 Of attorneys and trial attorney for Plaintiff
Heart of the Valley Law
120 SW 4TH St., Ste. 120
28 Tel: 541-257-8585 Fax: 541-359-3073
jdg@heartofthevalleylaw.com

Page 4 of 5 - Complaint for Money Damages

Exhibit A

Page 4 of 6

1 (b) Awarding Plaintiff her prevailing party fee, together with her actual
2 costs and disbursement incurred herein;

3 (c) Awarding Plaintiff her actual, reasonable, and necessary attorney fees
4 incurred herein under 42 USC § 1988 or under ORS 20.105 if the Court finds
5 Defendants asserted any claim or defense in this matter without objectively
6 reasonable basis; and

7 (d) Awarding Plaintiff any other relief that the Court deems just and
8 equitable.

9
10 Dated: June 20, 2017

s/ Jeffrey D. Goodwin
Jeffrey D. Goodwin, OSB #123269
Attorney for Plaintiff

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 Page 5 of 5 - Complaint for Money Damages

Prepared and submitted by:
Jeffrey D. Goodwin, OSB# 123269
Of attorneys and trial attorney for Plaintiff
Heart of the Valley Law
120 SW 4TH St., Ste. 120
Tel: 541-257-8585 Fax: 541-359-3073
jdg@heartofthevalleylaw.com

Exhibit A

Page 5 of 6

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [Search Civil, Family, Probate and Tax Court Case Records](#) [Refine Search](#) [Back](#)

Location : All Locations [Images](#) [Help](#)

REGISTER OF ACTIONS

CASE No. 17CV25697

Hannah Langager vs City of Albany Oregon, Linn County Oregon, The State of Oregon, Unknown Law Enforcement Officers, City of Albany, Unknown Law Enforcement Officers, Linn County Sheriff s Office

§
§
§
§
§

Case Type: Tort - General
Date Filed: 06/20/2017
Location: Linn

PARTY INFORMATION

Attorneys

Defendant City of Albany Oregon
333 Broadalbin St. SW
Albany, OR 97321

Defendant Linn County Oregon
300 SW 4th Ave
Albany, OR 97321

Defendant The State of Oregon
900 Court St. NE
Salem, OR 97301

Defendant Unknown Law Enforcement Officers, City of Albany
333 Broadalbin St. SW
Albany, OR 97321

Defendant Unknown Law Enforcement Officers, Linn County Sheriff s Office
1115 SE Jackson St.
Albany, OR 97322

Plaintiff Langager, Hannah
C/O PO Box 987
Corvallis, OR 97339

JEFFREY D GOODWIN
Retained
541 257-8585(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

06/20/2017 **Complaint**
Created: 06/20/2017 1:19 PM

06/20/2017 **Service**

City of Albany Oregon	Unserved
Linn County Oregon	Unserved
The State of Oregon	Unserved
Unknown Law Enforcement Officers, City of Albany	Unserved
Unknown Law Enforcement Officers, Linn County Sheriff s Office	Unserved

Created: 06/20/2017 1:19 PM

FINANCIAL INFORMATION

06/20/2017	Plaintiff Langager, Hannah		
	Total Financial Assessment		531.00
	Total Payments and Credits		531.00
	Balance Due as of 07/07/2017		0.00
06/20/2017	Transaction Assessment		531.00
06/20/2017	xWeb Accessed eFile Receipt # 2017-563635	Langager, Hannah	(531.00)

Exhibit A

Page 6 of 6

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2017, I served a true copy of a NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 USC § 1441(C) on the individual listed below by the methods listed below:

Jeffrey D. Goodwin
120 SW 4th Street, Suite 120
Corvallis, OR 97333
jdg@heartofthevalleylaw.com

☒ U.S. Postal Service
☐ Hand Delivery
☐ Federal Express
☐ Facsimile
☒ Email

Jeffrey D. Goodwin
408 SW Monroe Avenue, Suite 142
Corvallis, OR 97333
jdg@heartofthevalleylaw.com

☒ U.S. Postal Service
☐ Hand Delivery
☐ Federal Express
☐ Facsimile
☒ Email

Dated this 12th day of July, 2017.

HELTZEL WILLIAMS, P.C.

By: s/ Andrew D. Campbell
Andrew D. Campbell, OSB #022647